

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
32-CA-135630	08/28/2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>Tesla Motors</b>		b. Tel. No. <b>(510) 249-2500</b>
		c. Cell No.
d. Address (street, city, state ZIP code) <b>45500 Fremont Blvd Fremont, CA 94538</b>	e. Employer Representative <b>(b) (6), (b) (7)(C)</b>	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) <b>Fremont, CA</b>
i. Type of Establishment (factory, nursing home, hotel) <b>Automobile assembly plant</b>	j. Principal Product or Service <b>Automobile manufacturing</b>	k. Number of workers at dispute location <b>3,000</b>

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a) (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

On or about **(b) (6), (b) (7)(C)** 2014, the above-named Employer terminated **(b) (6), (b) (7)(C)** for engaging in protected concerted activity.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)****(b) (6), (b) (7)(C)****4a. Address (street and number, city, state, and ZIP code)****(b) (6), (b) (7)(C)****4b. Tel. No.****4c. Cell No.****(b) (6), (b) (7)(C)****4d. Fax No.****4e. e-Mail****(b) (6), (b) (7)(C)****5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

N/A

**6. DECLARATION****Tel. No.**

I declare that I have read the above charge and that the statements are true to the best of

**(b) (6), (b) (7)(C)****(b) (6), (b) (7)(C)**

B

**Office, if any, Cell No.****(b) (6), (b) (7)(C)**

(Signature of representative or person making charge)

**Fax No.****e-Mail****(b) (6), (b) (7)(C)****Address:****(b) (6), (b) (7)(C)****Date:****Aug 25 2014****WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**(b) (6), (b) (7)(C)**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 32  
1301 Clay St Ste 300N  
Oakland, CA 94612-5224

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (510)637-3300  
Fax: (510)637-3315

October 22, 2014

(b) (6), (b) (7)(C)

Re: Tesla Motors  
Case 32-CA-135630

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Tesla Motors has violated the National Labor Relations Act.

**Decision to Dismiss:** The charge alleges that the Employer violated Section 8(a)(1) of the Act by terminating you in retaliation for engaging in protected concerted activity. Contrary to the allegations of the charge, the evidence was insufficient to establish that the Employer's decision to terminate you was motivated by animus it harbored against you because of any protected concerted activities you may have engaged. In this regard, and even assuming that the discussions that you had with other employees concerning workers' compensation issues constituted protected concerted activity, the investigation disclosed insufficient evidence that the Employer was aware of those discussions. Rather, it appears that the Employer terminated you for work-related issues unrelated to any protected concerted activities you may have engaged in. In these circumstances, it cannot be concluded that the Employer's decision to discharge you was in violation of the Act. Accordingly, I am dismissing your charge.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlr.gov](http://www.nlr.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on November 5, 2014. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by

delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 4, 2014. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** November 5, 2014. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 5, 2014, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ GEORGE VELASTEGUI

GEORGE VELASTEGUI  
Regional Director

Enclosure

cc:

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

TESLA MOTORS  
45500 FREMONT BLVD  
FREMONT, CA 94538